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URGENT – REPLY TO FINAL OFFICE ACTION
PLEASE FORWARD TO EXAMINER WITHOUT DELAY

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FEB 22 2010

IN THE UNITED STATES PATENT & TRADEMARK OFFICE

In the matter of:

INVENTORS: Solomon Zaromb et al. EXAMINER: Dr. Bobby Ramdhanie

SERIAL NO.: 10/710,838

ART UNIT: 1709

FILED: August 5, 2004

FOR: AEROSOL COLLECTION APPARATUS AND METHODS

REPLY TO FINAL OFFICE ACTION

February 22, 2010

Hon. Commissioner of Patents & Trademarks
Washington, DC 20231

S I R :

In response to the Advisory Action of February 18, 2010, it is requested that consideration be given to the following replies:

REPLIES

The timeliness of Office action of the Advisory Action of February 18, 2010, is appreciated. It may still allow time for reconsideration of the application and "Final Rejection." These are earnestly solicited on the basis of the following comments to the three below-copied brief paragraphs referring to pages 5 and 6 of applicants' last reply, dated January 26, 2010:

Re Page 5 of Applicants' last reply:

"On Page 5, Applicant has stated that Applicant has provided an alleged "pioneering paper" of Zaromb et al. There is no reason why the paper was not presented earlier for the Examiner's consideration. This reference was not filed in a timely manner, and would require further consideration." This reference was filed with the amendment dated April 24, 2009, which should have been entered upon our RCE filing of 5/26/09 and payment of the \$405 fee for the removal of the first final rejection.